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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

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SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL

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Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

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1. Plaintiff/~~Decedent~~ Party:

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VICTORIA C. ATILLA

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2. Spousal Plaintiff/~~Decedent~~ Party's spouse or other party making loss of  
consortium claim:

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TARIK ATILLA

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3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

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4. Plaintiff's/~~Decedent~~ Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:

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NEW YORK

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5. Plaintiff's/~~Defendant~~ Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

NEW YORK

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
NEW YORK

7. District Court and Division in which venue would be proper absent direct filing:

**US DISTRICT COURT - WESTERN DISTRICT OF NEW YORK**

**8. Defendants (check Defendants against whom Complaint is made):**

C. R. Bard Inc.  
 Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

### Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express Vena Cava Filter
- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter

Denali® Vena Cava Filter

Other: \_\_\_\_\_

Date of Implantation as to each product:  
June 25, 2008

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Counts in the Master Complaint brought by Plaintiff(s):

Count I: Strict Products Liability – Manufacturing Defect

Count II: Strict Products Liability – Information Defect (Failure to Warn)

Count III: Strict Products Liability – Design Defect

Count IV: Negligence - Design

Count V: Negligence - Manufacture

Count VI: Negligence – Failure to Recall/Retrofit

Count VII: Negligence – Failure to Warn

Count VIII: Negligent Misrepresentation

Count IX: Negligence *Per Se*

Count X: Breach of Express Warranty

Count XI: Breach of Implied Warranty

Count XII: Fraudulent Misrepresentation

Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable New York (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

Count XVI: Wrongful Death

Count XVII: Survival

Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

10  Yes

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12 RESPECTFULLY SUBMITTED this 11th day of September, 2018.

CELLINO & BARNES, P.C.

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18 350 Main Street  
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I hereby certify that on this 11th day of September, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Brian A. Goldstein